specification. Claims 1 and 23 have been rejected under 35 U.S.C.§102(b) as being anticipated by the U.S. Patent to Higgins et al. 6,266,633. Claims 2, 4 – 8, 14, 24 and 26 – 30 have been rejected under 35 U.S.C.§103(a) as being unpatentable over Higgins et al. in view of the U.S. Patent to Kleider et al. 6,240,282 and the U.S. Patent to Fry 5,465,097. Claims 9 – 13, 15 – 22 and 31 – 39 have been objected to as being dependent upon a rejected base claim, but would be considered allowable by the examiner if rewritten in independent form, including all limitations of the base claim and any intervening claims. Applicant respectfully traverses the rejections, based on the following remarks.

First, the examiner has objected to the disclosure based on a misspelling of the word "frequency." This correction has been applied.

Applicant respectfully traverses the rejection of claims 3, 12, 24, 25 and 34 under 35 U.S.C.§112, first paragraph, as containing subject matter insufficiently described in the specification. Specifically, the examiner references the fact that the "weighting" function and "weighting" element are not disclosed in the specification and are unclear. Applicant respectfully references the summary of the invention section, which Applicant considers to be part of the specification. In this section, reference is made to the concept that it is a windowing process itself which includes the steps of selecting a discrete valued weighting function, and multiplying the value of each output signal of the series by a corresponding element of the weighting function. Applicant

respectfully submits that the concept of the weighting function and the weighting elements are made clear by the fact that these processes are occurring within a windowing process. Applicant further respectfully submits that the definition and description of the windowing apparatus 104 is sufficient so as to make clear the concepts of weighting functions and weighting elements. For these reasons, Applicant respectfully submits that claims 3, 12, 24, 25 and 34 are fully in compliance with Section 112, first paragraph, as now written. Accordingly, Applicant respectfully requests withdrawal of the rejection.

Applicant respectfully traverses the rejection of claims 1 and 23 under 35 U.S.C.§102(b) as being anticipated by Higgins et al.

With respect to the subject matter of each of the claims, Applicant respectfully notes that the Higgins et al. patent was issued on July 24, 2001. Applicant does not believe the underlying application which resulted in the Higgins et al. patent was published prior to the issue date of July 24, 2001. Accordingly, Applicant respectfully submits that the Higgins et al. patent is not appropriate prior art under 35 U.S.C.§102(b). Further, if the examiner considers the Higgins et al. patent to be prior art under 35 U.S.C.§102(e), Applicant believes that the Applicant can set forth arguments as to why Applicant's invention as defined in claims 1 and 23 is not anticipated by Higgins et al. Further, Applicant believes that a possibility may exist that Applicant may be able to "swear back" of the Higgins et al. patent. If the examiner issues a rejection of claims 1 and 23 under 35 U.S.C.§102(e), Applicant respectfully submits that the Applicant will, in

good faith, at that time set forth arguments as to the patentability of claims 1 and 23 over Higgins et al.

Applicant respectfully traverses the rejection of claims 2, 4 – 8, 14, 24 and 26 – 30 under 35 U.S.C.§103(a) as being unpatentable under Higgins et al. in view of Kleider et al. and Fry.

First, Applicant again respectfully submits that Higgins et al. is not an appropriate reference under 35 U.S.C.§102(b). As earlier stated, if the examiner considers the Higgins et al. patent to be prior art under 35 U.S.C.§103(e), Applicant will set forth arguments as to the patentability of claims 1 and 23, and may also possibly set forth arguments as to why the Applicant can "swear back" of the Higgins et al. reference. If the Higgins et al. reference is then no longer prior art, Applicant respectfully submits that the rejection under 35 U.S.C.§103(a) must fall.

Assuming, arguendo, that Higgins et al. is appropriate prior art, Applicant respectfully rejects the combination of Higgins et al. with Kleider et al. and Fry. The Higgins et al. patent is directed to noise suppression and channel equalisation pre-processing for speech and speaker recognition systems. The Kleider et al. patent is directed solely to an apparatus for performing non-linear signal classification in a communications system. Applicant respectfully submits that there is no teaching or suggestion whatsoever in Higgins et al. to utilize any type of log – domain system or representation within the Higgins et al. system. Further, Kleider et al. does not teach or

suggest in any manner whatsoever the application of a log – domain representation with a system such as the Higgins et al. patent. Further, the Fry patent teaches the use of a direct sequence spread spectrum direction finder. There is no teaching or suggestion whatsoever in Higgins et al. to utilize any type of plurality of analog-to-digital converters, as may be taught by Fry. Further, there is no teaching or suggestion whatsoever in Fry to utilize any plurality of analog-to-digital converters in a system such as Higgins et al.

For all of the foregoing reasons, Applicant respectfully submits that Higgins et al. cannot be tenably combined with Kleider et al. and Fry. Accordingly, Applicant respectfully submits that the claims referenced by the examiner as being rejected under the alleged combination are patentable over the alleged combination.

As earlier stated, the examiner has set forth that claims 9 – 13, 15 – 22 and 31 – 39 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Each of these claims is directly or indirectly dependent from claim 1 or claim 23. For the reasons previously set forth herein, Applicant respectfully submits that claims 1 and 23, and any and all intervening claims are patentable over the prior art set forth by the examiner. Accordingly, Applicant respectfully submits that each of these dependent claims is also patentable over the prior art.

In view of all the foregoing, Applicant respectfully submits that claims 1 – 39 are now in condition for allowance, and earlier notification of allowability is respectfully

requested. Should any questions arise in connection with the above, please contact Thomas L. Lockhart at the telephone number of (616) 336-6000.

Respectfully submitted

PATENAUD, Francois, et al.

Dated: 6/20/02 By: _____
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